

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

PAUL GERLICH and ERIN FURLEIGH,

Plaintiffs,

vs.

STEVEN LEATH, WARREN MADDEN,
THOMAS HILL and LEESHA ZIMMERMAN,

Defendants.

No. 4:14-cv-00264-JEG

O R D E R

This matter now comes before the Court on the parties' Joint Status Report and Joint Request for Case Management Order, Attorney Fee and Cost Ruling, and Judgment for Plaintiffs. The pleading explains that following this Court's ruling in Gerlich v. Leath, 152 F. Supp. 3d 1152 (S.D. Iowa 2016), which was affirmed by the United States Court of Appeals for the Eighth Circuit in Gerlich v. Leath, 861 F.3d 697 (8th Cir. 2017), the parties effectively worked to resolve remaining issues in the case. Accordingly, the parties seek an Order that finalizes matters subject to their joint stipulation and provides a schedule upon which to resolve remaining questions regarding an award of appropriate attorney fees and costs to the Plaintiffs.

Pursuant to their agreement contained in their Settlement Term Sheet executed on December 28, 2017,¹ the parties have stipulated that the Court's January 22, 2016 injunction shall be deemed permanent and continuing against the Defendants as well as the current President of Iowa State University and the institution. The Plaintiffs are to be deemed prevailing parties with actual damages for each named Plaintiff compromised at \$75,000. Remaining issues of reasonable attorney fees and costs are to be resolved with supplemental briefing and without hearing, unless the Court deems a hearing necessary. Any award of attorney fees and costs is to

¹ The Iowa State Appeal Board approved the agreed upon payment of damages and appellate attorney fees on January 5, 2018, and awaits this Court's further order on unresolved issues.

be increased by the amount of \$15,000, which is to cover fees and costs required in completing the fee application.

On the entire record of this case, the Court finds the stipulations of the parties, contained in the Settlement Term Sheet, to be fair and reasonable. The parties are commended for their efforts in resolving pending matters. Therefore, the Joint Status Report and Joint Request for Case Management Order, Attorney Fee and Cost Ruling, and Judgment for Plaintiffs, ECF No. 86, is **granted**. The Court makes the following specific rulings:

1. Plaintiffs Paul Gerlich and Erin Furleigh are hereby deemed to be prevailing parties without limitation under 42 U.S.C. §§ 1983 and 1988, and any other applicable provision or rule.

2. Plaintiffs Paul Gerlich and Erin Furleigh shall be awarded the amount of \$75,000 each as compromised actual damages.

3. This Court's injunction entered on January 22, 2016, ECF No. 60, is hereby deemed permanent and continuing against the Defendants Steven Leath, Warren Madden, Thomas Hill, and Leesha Zimmerman, and their successors, specifically including President Wendy Wintersteen and Iowa State University.

4. The Court retains jurisdiction over the matter to determine reasonable and necessary attorney fees and costs to be awarded to Plaintiffs and their counsel, which were incurred in prior proceedings before this Court. That award will be increased by \$15,000 to address fees and expenses incurred going forward on remaining issues of fees and costs.

5. Plaintiffs shall submit their application for attorney fees and costs, along with supporting schedules, exhibits, declarations, affidavits, memorandum and any necessary related filings by February 16, 2018.

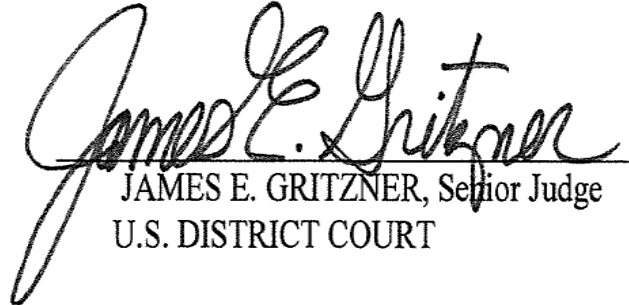
6. Defendants shall submit any opposition memorandum by March 2, 2018.

7. Plaintiffs may file any reply by March 9, 2018.

8. The remaining matters shall be submitted without oral argument unless the Court determines issues remain that must be resolved by hearing.

IT IS SO ORDERED.

Dated this 1st day of February, 2018.



JAMES E. GRITZNER, Senior Judge
U.S. DISTRICT COURT